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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,482	08/31/2001	Carl Brock Brandenburg	0590MH-40404-A	2351

7590 12/13/2005  
James E. Walton  
HILL & HUNN, LLP  
Suite 1440  
201 Main Street  
Fort Worth, TX 76102-3105

EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/944,482	<b>Applicant(s)</b> BRANDENBERG ET AL.	
	<b>Examiner</b> Nhon (Gary) D. Nguyen	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 6-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is responsive to RCE, filed 10/03/2005.
2. Claims 6-18 are pending in this application. In this amendment, claims 1-5 are canceled, no claim is amended, and claims 6-18 are added. This action is made non-final.

#### ***Claim Objections***

3. Claim 18 is objected to because of the following informalities:

Claim 18 recites the limitation "the range" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 6-14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Abecassis (US 6,504,990).

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As per claim 6, Abecassis teaches a computer implemented method and corresponding system for automatically selecting at least one of a plurality of content items for presentation comprising the steps/means:

determining a relevancy value for each of said plurality of content items (e.g., col. 34, lines 3-8);

generating a probability value for selecting each of said plurality of content items from said relevancy values (e.g., col. 35, lines 35-44);

probabilistically selecting at least one of said plurality of content items in accordance with each items' probability value (e.g., col. 35, lines 45-52); and

presenting said at least one selected content item (e.g., col. 34, lines 7-18).

As per claims 7 and 8, Abecassis teaches said presenting step comprises display of and playing said at least one selected content item (e.g., col. 34, lines 7-18).

As per claim 9, Abecassis teaches said presenting step comprises playback of said at least one selected content item (e.g., col. 34, lines 7-18).

As per claim 10, Abecassis teaches said step of determining said relevancy value comprises the steps of:

determining a current context in accordance with a set of one or more dimensions of context (e.g., 511 of fig. 5B; col. 16, lines 58-64);

comparing said current context with at least one contextual sensitivity for each of said plurality of content items, wherein said contextual sensitivity includes values for one or more dimensions of context (e.g., col. 33, line 60 – col. 34, line 12); and

combining the results of each of said comparisons to generate a relevancy value (content coding; e.g., col. 33, line 60 – col. 34, line 12).

As per claim 11, Abecassis teaches said dimensions of context include personal interests such as likes and dislikes (e.g., col. 24, lines 46-53).

As per claim 12, Abecassis teaches the personal interests are derived from a rating history (e.g., col. 16, line 65 – col. 17, line 5).

As per claim 13, Abecassis teaches generating said probability value comprises the step of mapping said relevancy value to an un-normalized probability value (e.g., col. 35, lines 25-44).

As per claim 14, Abecassis teaches mapping step comprises a non-linear mapping (e.g., *the randomness of the playing of multiplay segments may be established with respect to any number of different probabilities*; col. 35, lines 25-44).

As per claim 17, Abecassis teaches the content items comprise interactive multimedia (col. 34, lines 27-39).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis.

As per claims 15 and 16, Abecassis does not explicitly disclose normalizing step comprises suppressing the un-normalized probability values of content items having similar, un-normalized probability values to generate the adjusted probability value. The Examiner takes Office Notice that normalizing step by suppressing the un-normalized probability values of content items having similar, un-normalized probability values to generate the adjusted probability value would have been obvious to one of ordinary skill in the art for calculating the normalized conditional probability. It would have been obvious to one of ordinary skill in the art

at the time of the invention to use include normalizing step by suppressing the un-normalized probability values of content items having similar, un-normalized probability values to generate the adjusted probability value in Abecassis's system since it would have made the process of generating adjusted probability value more efficient.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis in view of Becker et al. ("Becker", 5930803).

As per claim 18, Abecassis does not explicitly disclose the step of probabilistically selecting comprises summing the probability values of said plurality of content items; segmenting the range from zero to said sum into consecutive ranges, the number of said ranges being equal to the number of content items, each range having a length equal to the probability value of a corresponding content item; generating a random value in the range from zero to said sum; and selecting the content item corresponding to the range containing said random value. Becker teaches in detail the step of probabilistically selecting at column 9, lines 37-56. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Becker of the step of probabilistically selecting in Abecassis's system since it would have increased the probability to select the best content item.

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 6-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5757904 A to Anderson; Gregory Lane discloses context-sensitive presentation of information to call-center agents.

US 5949416 A to Bush; Alan M. discloses method for providing help information for nested functions.

US 6199099 B1 to Gershman; Anatole Vitaly et al. discloses system, method and article of manufacture for a mobile communication network utilizing a distributed communication network.

### ***Inquiries***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

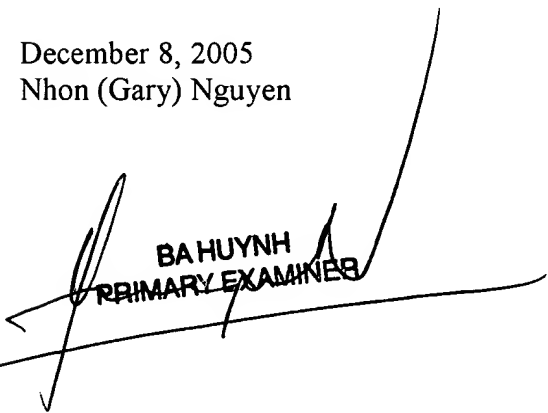
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 8, 2005  
Nhon (Gary) Nguyen

  
BA HUYNH  
PRIMARY EXAMINER